

Notice of Allowability

Application No.

09/772,539

Applicant(s)

WEBB ET AL.

Examiner

Art Unit

Ahmed M Farah

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to July 15, 2004.
2. The allowed claim(s) is/are 2-14 and 22-28.
3. The drawings filed on 29 January 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 10/27/2004.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jila Bakker (Reg. No. 53,962) on October 27, 2004.

The application has been amended as follows:

A. In the Specification:

In page 1, paragraph 1, lines 4-7, please delete the paragraph under the heading "Cross Reference Related Applications," and replace it with the following paragraph:

--The present application is related to co-pending U.S. Patent Applications Serial No. 09/172,819, filed October 15, 1998, now U.S. Patent No. 6,254,595, and U.S. Patent Applications Serial No. 09/266,453, filed March 11, 1999, now U.S. Patent No. 6,344,040, both of which are commonly owned by the assignee of the present application, the entire contents of which are expressly incorporated by reference.—

B. In the claims:

1. Claim 2:

a) in claim 2, line 12, please delete the period “.” after the phrase “referenced to the second plane”

b) in claim 2, line 16, after the phrase "received within the gripper,"
please insert a period -- . --

2. Claim 5:

a) in claim 5, line 8, after the phrase "referenced to the first plane surface" please insert --, wherein the lens cone comprises an apex ring coupled to the first plane surface; and an applanation lens disposed at a distal end of the apex ring--

b) in claim 5, line 8, please delete the word "and" after the semicolon.

3. Claim 6:

in claim 6, line 1 through line 5, please delete the phrase "the lens cone further comprising: an apex ring coupled to the first plane surface and including an outer diameter; and an applanation lens disposed at the distal end of the apex ring," and replace it with the term --wherein--

This is an illustration of how the claim should look at the final form: The interface according to claim 5, wherein the applanation lens positioned in a second plane, parallel to the first plane such that the delivery tip is positionally referenced to the second plane.

4. In claim 9, line1, please delete the word "flexible"

5. Claim 10:

a) in claim 10, line 4, please delete the word "flexible"

b) in claim 10, line 5, please replace the phrase "annular suction channel" with --annular suction cavity--

6. In claim 22, line 10, please replace the phrase "annular suction channel" with —annular suction cavity—
7. In claim 24, line 2, please delete the word "engagement"
8. In claim 27, line 2, please delete the word "engagement"
9. In claim 28, line 2, please delete the word "engagement"

The following is an examiner's statement of reasons for allowance: the prior art of record fails to disclose, teach or suggest an ophthalmic device/interface adapted to couple a patient's eye to surgical laser system, the device comprising: an attachment ring/means for overlying the anterior surface of the eye and for stable engagement of the eye; a lens cone defining a first plane surface, an apex ring, and a lens cone, the first plane surface adapted to be coupled to a delivery tip of a surgical laser, the lens cone disposed at the distal end of a apex ring, and the apex ring coupled to the first plane surface; and a gripper including a first receptacle for receiving the attachment ring and a central orifice for receiving the lens cone, wherein the gripper is adapted to stabilize the relative positions of the lens cone and the attachment ring as presently claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed M Farah whose telephone number is (703) 305-5787. The examiner can normally be reached on Mon-Thur. 9:30 AM-7:30 PM, and 9:30 AM - 6:30 PM on every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M DVorak can be reached on (703) 308-0994. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Farah,
Patent Examiner, AU 3739

October 27, 2004.